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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,503	09/24/1998	B. REILLY BARRY	COS-97-101	5202

25537 7590 05/29/2003

WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/159,503

Applicant(s)

BARRY ET AL.

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-15,56-60 and 96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-15,56-60 and 96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11/7/02 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 110.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Request for Reconsideration

This is in response to a request for reconsideration file April 1st, 2003. Claims 1, 3-5, 7-15, 56-60 and 96 are being reconsidered in this action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7-15, 56-60 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al. (Scholl hereinafter: US PAT. 6,145,001) in view of Takashi et al. (Takahashi hereinafter: US PAT. 4,823,373).

Scholl discloses a system having an object oriented protocol (i.e., "a software application resident on a separate programmable device that communicates with Web server through the Internet"), at least one web server (3), at least one dispatch server (5), and a plurality of system resources (6) having a network manager (9). Scholl further discloses the network manager having the claimed functions (col. 9, lines 10-29). Scholl does not explicitly disclose that (a) the web server is a secure web server, (b) the protocol for enabling encrypted interactive communications, (c) the secure web server for managing secure customer sessions, and (d) switched communications including switched voice traffic resources and switched data traffic

resources. However, Scholl states security management of the system (col. 8, lines 30-33). Thus, it would have been obvious to one of ordinary skill in the art to employ (a) the secure web server, (b) the protocol for enabling encrypted interactive communications, and (c) the secure web server for managing secure customer sessions to enhance the security management of the system. Scholl fail to teach the use of switched voice traffic resources and switched data traffic resources including switched toll free voice traffic resources for a new network management system. However, Takahashi et al teach the use of switched voice traffic resources and switched data traffic resources including switched toll free voice traffic resources for a new network management system (see abstract, summary of the invention). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Scholl by adopting the teaching of Takahashi et al to improve the system of Scholl. Still further, the system of Scholl modified by adopting the teaching of Tahahashi et al would have the claimed network manager.

Response to Arguments

3. Applicant's arguments filed April 1st, 2003 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art Takahashi et al fail to teach or suggest a network manager to enable customer to command and control switched voice traffic resources and data traffic resources provided by an enterprise to customer. Examiner respectfully disagrees with applicant's characterization of Takahashi et al's inventive concept. Takahashi is equivalent to the Applicant's inventive concept disclose in claim 1

in the sense that it is related to a line switching control system for effecting line switching between a facsimile communication mode or a data communication mode and a voice communication mode in mobile communication, particularly mobile telephone service where a facsimile or a data terminal is added to an automobile telephone unit. The concept provide a line switching control system for mobile communication, which is capable of easily effecting switching between a data communication mode and a voice communication (telephonic communication) mode at the user's hand (*control by the user*). To accomplish the above objective, a line switching control system according to the present invention includes transmitter/receiver means for transmitting and receiving signals through an antenna, input means comprising dial keys and function keys combined with a handset, switching means for effecting switching between a data communication mode and a voice communication mode, and control means for switching between the data communication mode and the voice communication mode based on a mode switching command entered through the input means. *When a key of the input means at the user's hand is depressed, a switching command is generated and applied to the control means which recognizes the switching command and controls the switching means to switch from the voice communication mode to the data communication mode or from the data communication mode to the voice communication mode.* As a consequence, a signal line from the transmitter/receiver means is selectively connected to a modem or a facsimile or the handset through the switching means, so that switching between the data communication mode and the voice communication mode can smoothly be effected. As

indicated above, this inventive concept is equivalent to the Applicant's concept since it discloses command control at the customer's hand.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

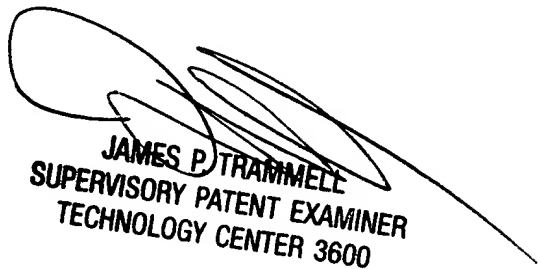
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Art Unit: 3621

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Firmin Backer
May 27, 2003



JAMES P. TRAMMELE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600